

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (EASTERN DIVISION)

Comcast of Georgia/Massachusetts, Inc. and Comcast of Middletown, Inc. and Comcast of Boston, Inc. and Comcast of California/ Massachusetts/ Michigan/Utah, Inc. and Comcast of Maine/New Hampshire, Inc. and Comcast of Massachusetts I, Inc. and Comcast of Massachusetts II, Inc. and Comcast of Massachusetts III, Inc. and Comcast of Massachusetts/New Hampshire/Ohio, Inc. and Comcast of New Hampshire, Inc.) Case No.: 04-cv-10414-RCL THIRD MOTION TO AMEND SCHEDULING ORDER
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Plaintiffs,

vs.

**Joseph Amaro, Dimas Amaro, and Joseph
Amaro and Dimas Amaro, Jointly d.b.a.
CABLEJOINT and D's Electronics**

Defendants

NOW COME the Plaintiffs in the above-captioned case and respectfully request that this Court extend the deadline for fact discovery and to amend the Complaint and/or add new Defendants to November 2, 2005.

As grounds, the Plaintiff states:

1. Plaintiffs sent written discovery to Defendants on July 29, 2005.
2. The Plaintiffs served discovery with the reasonable intent that a reply would be made prior to the Plaintiff deposing individuals in this action.
3. Unfortunately, the Plaintiffs have received *no*:
 - a. Response to discovery;
 - b. Request for extension;
 - c. Objections to its discovery as of this date.
4. The Plaintiffs reasonably desire to review discovery response, especially response to the interrogatories, prior to the depositions in this case. The written discovery was served such that this review would have been possible had there been timely response to said discovery.
5. The Plaintiffs have already initiated procedures pursuant to the Local Rules to deal with the lack of discovery response but it is extremely unlikely that written discovery will be responded to in time for the Plaintiffs to review said response and then depose individuals within the timeframe of the existing scheduling order.

Certification pursuant to LR D. Mass 7.1 (A) (2)

Plaintiffs' Counsel certifies that he or his office staff and has telephoned Defendants' counsel on multiple occasions, leaving voice messages, last week both before discovery was due last week and this week but he has received no response to his voice messages regarding this extension and/or the discovery issue.

6. Accordingly, the Plaintiffs request an extension time as to the scheduling order in this Action until November 02, 2005 to complete fact discovery and to amend the Complaint and/or add new Defendants. This extension will *not* delay the other dates already set forth in this court schedule as the November 2 date is the date for Plaintiffs' expert disclosure.

In further support of this motion, see affidavit of John M. McLaughlin

Respectfully Submitted for the Plaintiff,
By Its Attorney

8/31/05
Date

/s/ John M. McLaughlin
John M. McLaughlin (BBO: 556328)
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CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 31st day of August 2005, a copy of the foregoing motion and affidavit were sent via first class mail to

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/s/ John M. McLaughlin
John M. McLaughlin